

## **REMARKS**

Reexamination of this application, as amended, is respectfully requested. The independent claims have been amended to clarify that the retrieval rate is set according to an estimated time between desired arrival times of two successive packets of the time restricted data. Support for these amendments may be found in the specification as filed, for example at paragraph 50.

The present claims are patentable over Itakura et al. (U.S. Patent No. 5,901,149) in view of Rusu et al. (U.S. Patent No. 6,141,323). Itakura describes a time stamp take out circuit that retrieves time information from transmission data stored in a buffer at a retrieval rate set according to the level of such data in the buffer. Itakura at col. 4, ll. 1-21. The retrieval rate is not, however, set according to an estimated time between desired arrival times of two successive packets of the data as claimed. Rusu is cited for describing a scheme to obtain queue length information in a programmable fashion. Even if this were adapted to the system discussed by Itakura, however, the retrieval rate would still not be set according to an estimated time between desired arrival times of two successive packets of the data as presently claimed, at least in part because Itakura is concerned only with setting the retrieval rate according to a buffer level. Hence, the present claims are patentable over this combination of references.

The same is true even when the combination of Itakura and Ruso is considered in view of certain conventional means described in the specification. Those conventional means do not address setting a retrieval rate according to an estimated time between desired arrival times of two successive packets of the time restricted data discussed above and, so, claims 18-20 remain patentable over the combinations of art relied upon in the Office Action.

If there are any additional fees due in connection with this communication, please charge our deposit account no. 19-3140.

Respectfully submitted,

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